

REMARKS

This is a full and timely response to the outstanding Office Action mailed August 3, 2005. Upon entry of this response, claims 134 – 156 remain pending. More specifically, the Applicants cancel claims 96 – 104 and 118 – 133 and add claims 134 – 156. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

I. Previous Office Action

The previous Office Action asserts that the amendment filed on 06 June 2005 cancels all claims drawn to the elected invention and presents only claims drawn to a non-elected invention. While Applicants do not address the validity of this assertion, in an effort to expedite prosecution, Applicants cancel claims 96 – 104 and 118 – 133 and add claims 134 – 156. Applicants respectfully submit that new claims 134 – 156 comply with the Office Action's request, and are allowable in view of the cited art.

II. Examiner Interview

Applicants sincerely appreciate the time that Examiner Beliveau spent with Applicants' Attorney Anthony Bonner in a telephone conversation on August 31, 2005. During that conversation Examiner Beliveau seemed to indicate that it might be beneficial to include the amendments contained herein. Thus, Applicants respectfully request that Examiner Beliveau carefully consider this response and the amendments recited herein.

III New Claims 134 – 156 are Allowable over the Cited Art

A. Claim 134 is Patentable over the Cited Art

Applicants submit that claim 134 is patentable over the cited art for at least the reason that none of the cited references include:

A television set-top terminal (“STT”) coupled to a server via a bi-directional communication network, said STT comprising...
at least one processor that is programmed by the program code to enable the STT to...

provide said one of the plurality of rentable video presentations to the user without promotional advertising responsive to the second user input corresponding to the selection of the first rental option; and
responsive to the second user input corresponding to other than the selection of the first rental option:

provide said one of the plurality of rentable video presentations to the user; and

suspend the provision of the rentable video presentation and provide the user with promotional advertising responsive to third user input. (emphasis added)

Applicants submit that the cited art fails to disclose, teach, or suggest at least the above listed elements of new claim 134. Applicants further submit that the elements of claim 134 listed above are not the only patentable limitations of claim 134, but have been chosen as a nonlimiting example. For at least this reason, Applicants submit that new claim 134 is allowable over the cited art.

B. Claim 141 is Patentable over the Cited Art

Applicants submit that claim 141 is patentable over the cited art for at least the reason that none of the cited references include:

A television set-top terminal (“STT”) coupled to a server via a bi-directional communication network, said STT comprising...
at least one processor configured to enable the STT to...

provide a user option for a user to select whether the on-demand presentation is presented with promotional advertising;

responsive to receiving a first user input indicating that the on-demand presentation is presented with promotional advertising, provide the on-demand presentation to the user; and

responsive to receiving a second user input, suspend the on-demand presentation and provide the user with promotional advertising. (***emphasis added***)

Applicants submit that the cited art fails to disclose, teach, or suggest at least the above listed elements of new claim 141. Applicants further submit that the elements of claim 141 listed above are not the only patentable limitations of claim 141, but have been chosen as a nonlimiting example. For at least this reason, Applicants submit that new claim 141 is allowable over the cited art.

C. Claim 156 is Patentable over the Cited Art

Applicants submit that claim 156 is patentable over the cited art for at least the reason that none of the cited references include:

A method in a television set-top terminal (“STT”) that is coupled to a server via a bi-directional communication network, the method comprising...

providing a user option for a user to select whether the on-demand presentation is presented with promotional advertising;

responsive to receiving a first user input indicating that the on-demand presentation is presented with promotional advertising, providing the on-demand presentation to the user; and

responsive to receiving a second user input, suspending the on-demand presentation and providing the user with promotional advertising. (***emphasis added***)

Applicants submit that the cited art fails to disclose, teach, or suggest at least the above listed elements of new claim 156. Applicants further submit that the elements of claim 156 listed above are not the only patentable limitations of claim 156, but have been

chosen as a nonlimiting example. For at least this reason, Applicants submit that new claim 156 is allowable over the cited art.

D. Claims 135 – 140, and 142 – 155 are Patentable over the Cited Art

Applicants submit that claims 135 – 140 are patentable over the cited art for at least the reason that these claims depend from allowable independent claim 134. Further, claims 142 – 155 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 141. *In re Fine, Minnesota Mining and Mfg. Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

CONCLUSION

At least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Further, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known since the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,



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